

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL VIERA

: CIVIL ACTION

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

: NO. 10-⁶⁸⁷⁵~~3508~~

ORDER

C. DARNELL JONES II, J.

AND NOW, this 26th day of May, 2011, upon careful and independent consideration, the record reveals that the Commissioner did not apply correct legal standards and that the record does not contain substantial evidence to support the ALJ's findings of fact and conclusions of law. Therefore, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED;
2. The Commissioner's unopposed motion for remand is GRANTED;
3. Plaintiff's request for review is DENIED AS MOOT; and
4. This matter is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with this adjudication.

By separate Order, the Court will enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

BY THE COURT:


C. DARNELL JONES II, J.